

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE MERRILL LYNCH & CO., INC.
SECURITIES, DERIVATIVE AND ERISA
LITIGATION

Master File No. 07 CV 9633 (LBS)(AJP)(DFE)
ECF CASE

This document relates to:

ERISA ACTION

No. 07 CV 10268 (LBS)(AJP)(DFE)

**NOTICE OF DEFENDANTS' MOTION TO DISMISS
CONSOLIDATED AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the annexed Consolidated Amended Complaint in the above-captioned action; the Memorandum of Law in Support of Defendants' Motion to Dismiss the Consolidated Amended Complaint; the accompanying Declaration of Stuart J. Baskin, dated July 21, 2008; and all prior papers and proceedings herein, Defendants will move this Court, before the Honorable Leonard B. Sand, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time designated by the Court, for an Order dismissing the Consolidated Amended Complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
July 21, 2008

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